Mr. C. J. Mathew *(Joint Secretary to Government):* I beg to move that the Bill be taken up for consideration.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

Clause 2 put and carried

Title and preamble put and carried

Clause 1 put and carried

Mr. C. J. Mathew *(Joint Secretary to Government);* I move that the Bill may be taken up and finally passed day after tomorrow.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Motion put and carried

The Cochin Employment of Children Bill

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I beg to move that the Cochin Employment of Children Bill be read in Council.

Mr. B. V. K. Menon *(Joint Secretary to Government):* I second it.

Mr. M. Sivarama Menon *(Advocate-General):* Hon'ble members will find that there are only three operative provisions in this Bill. They are sections 3 (1), 3 (2) and 3 (3). The purpose of the first clause is to see that no child who has not completed his 15th year shall be employed or permitted to work in any occupation connected with the transport of passengers, goods or mails by railway. At present there is no law prohibiting employment of children to carry these goods. There is a like provision in British India and that has been in force there for some time. This age has been fixed in consultation with experts regard being had to the normal health of the children.

The second is that no child who has not completed his 15th year shall be employed or permitted to work in any occupation involving the handling of goods within the limits of any port to which for the time being any of the provisions of the Cochin Ports Act apply. Under the Ports Act the age limit is 12. We are now raising it to 15.

The third is that no child who has not completed his 12th year shall be employed, or permitted to work in any workshop wherein any of the processes set forth in the schedule is carried on. The schedule gives the following items.—

Bidi-making.
Carpet-weaving.
Cement manufacture, including bagging of cement.
Cloth-printing, dyeing and weaving.
Manufacture of matches, explosives and fire works.
Mica-cutting and splitting.
Shellac manufacture.
Soap manufacture.
Tanning.
Wool cleaning.

They are more or less in a degree dangerous processes and therefore the schedule sets out the vocations in which they cannot be employed. Government have also got power to add to that schedule as occasion arises. You will find under the Factories Act, children under 12 cannot be employed in factories. But that does not take in ordinary workshop. This age limit is intended to apply to workshops. There is a corresponding provision in British India.

Mr. A. B. Salem *(Mattancheri):* Why is this bidi-making included in it?

Mr. M. Sivarama Menon *(Advocate-General):* From a health point of view it is considered to be unhealthy. They have always to sit and make these bidies. It is a matter of opinion by experts.

Mr. Joseph Pettah *(Adur):* I would accept the principle of the Bill. But in the agenda it is stated that if the motion for introduction is carried the President would be requested to suspend the S. O. No. 32 and the Bill will be taken for consideration immediately. The principle of the Act is all right. But its provisions imply so many considerations which have to be looked into carefully. For instance, a child under 12 cannot be employed in bidi-making, and also there are other restrictions. So, I should think that the Bill should go to a Select Committee where these things should be considered carefully, because these are matters affecting the industrial development of the country and also the livelihood of very many families. Of course, it is one thing to say that children should not be employed in these various processes, but there is

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also the other aspect of the question that the earnings of these children would form a part of the earnings of the family. Unless we find that there is something imperatively necessary to prohibit these children they should be allowed some freedom. Otherwise, it would be causing very serious hardship to the families concerned. As a matter of fact, children are now doing these things everywhere. The Amendment Bill does not specifically mention what sort of luggages or what weights of loads are prohibited to children below 15 or 12. Small children would carry small luggages. But all such things are penalised under this Act. These are matters affecting the industrial development of the country, and I think it requires careful scrutiny. Therefore, this Bill should be referred to a Select Committee. The principle I accept.

Mr. A. B. Salem *(Mattancheri):* I also join with the Hon'ble Member from Trichur, in the view that it requires some consideration. There may be healthy children. There may be ricketty children. Many of these little children sometimes work with their fathers or their mothers in the process in which they are employed. A large number of children are being employed in bidi-making. It is not a difficult process. They simply sit and go on making it. It is being done every where and it is a light work. But some regulations may be necessary to give them certain hours and all that. Therefore, as has already been said, the principle is very good but at the same time we must see whether some exception should not be made in certain things. For instance, regarding cloth-printing, dyeing and weaving, you find weavers generally use their little children to do work connected with these things. It is being done. All on a suddern to tell them that these children should not be employed, may upset their little economy in the rural parts. Then manufacture of matches. In the manufacture of matches there are very many little things to be done. I have been to some match factories and I have seen a number of little children pasting band-rolls on the match box. These are done by little children and it helps to develop the dexterity of their hands and it is a wonder to see how in one minute they paste labels to about 60 to 70 boxes. They are getting four annas or five annas and a large number of children is employed. All on a sudden to tell these people that they will be out of employment will certainly upset the economy of the people.

Then again soap-manufacture. The harder work cannot be done by children. But they can be employed to cut soap into cakes. These are very simple things in which children are employed. All on a sudden to penalise these things will be very hard. The schedule must be carefully made. Of course I accept the principle that children should not be employed. I am not against the principle. At the goods Railway station you can safely forbid them to go. But with regard to the passenger train it is different. To carry a small hand box he gets an anna. All these things require deep consideration. I therefore request the Hon'ble Law Member not to rush through it but to take time to consider it.

Mr. T. A. Ramachandra Ayyar *(Nellāyi):* We are hearing large complaints from various industrial concerns that there is dearth of labour on account of our people going to Assam and other places. If this Bill is enforced many of the young coolies who are working in the factories will also go away. The best thing will be to limit the number of hours to be worked by these youngsters and not completely ask them to go away. There must be some change. Otherwise the industrial concerns will suffer very much.

Mr. K. M. Ibrahim *(Cranganur):* The Hon'ble Law Member stated that there is a similar law in British India. May I know whether that Act had been enacted before the War or after the War?

Mr. M. Sivarama Menon *(Advocate-General):* In 1938.

Mr. K. M. Ibrahim *(Cranganur):* That is before the War.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* I rise to endorse many of the views expressed by my predecessors in this debate and if I intervene in this debate it is only to bring certain aspects of the matter which have not been, according to me, sufficiently dealt with. It is all very well, Sir, to preach about the abolition of child labour and all that. But as practical politicians you must certainly take into consideration the conditions now obtaining in India. I am one who is a sincere admirer of many of the efforts of our Government but still in many matters of our Government have been helpless, say, in matters like introduction of compulsory primary education. And taking into consideration the present state of things it won't be wise to compel these children to sit quiet at home on empty bellies and with empty brains. If there is provision for compulsory primary education and free education at that and free feeding of deserving and poor children one can understand the existence of such a law on the Statute Book. So it is not enough if we pass such a Bill into law. We must tackle these problems in various ways. There should be compulsory primary education. There should be unemployment insurance. There should be free education. There should be educational concessions to deserving children

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belonging to all communities. That is my humble view. So unless and until we are in a position to effect such salutary reforms I think Government will do well to keep such a Bill pending. The principle, as has been expressed, is very acceptable, eminently acceptable. But all things considered I think the Government will do well not to rush through this Bill but refer it to a Select Committee, so that it may be given the proper form which will be consistent with existing conditions.

One thing more, Sir, in European countries, in countries which have been pioneers in industrial development, in countries like England, Switserland and Japan, they have made much head-way in matters industrial. So as practical politicians we will do well to go a bit slow in such matters and if my humble views are mis-interpreted, if my words are taken as coming from a cruel heart, I have only to observe that I am unfortunately misinterpreted.

Mr. M. Sivarama Menon *(Advocate-General):* The principle of the Bill has been accepted practically by all members but some objections are raised as to whether particular manufactures should be included in the schedule or not. It appears to me that it is a question which this House must consider. If this House feel that there is necessity for such consideration I have no objection. I have nothing further to say.

Motion put and carried

Secretary to the Council: The title of the Bill is "The Cochin Employment of Children Bill".

Mr. C. V. Iyyu *(Kunnamkulam):* I move that the Bill may be referred to a Select Committee consisting of Messrs. A. B. Salem, Popatlal Goverdhan Lalan, K. Narayana Menon, Joseph Pettah. V. K. Kutty, the Advocate-General, the Chief Medical Officer and the Joint Secretary.

Mr. T. S. Ramacandra Ayyar *(Chittur-Tattamangalam):* I propose the name of the Director of Public Instruction also to be a member of the Committee.

Mr. C. V. Iyyu *(Kunnamkulam):* I also agree to it.

Motion put and carried

RESOLUTION No. 7

Exempting tenants who hold cocoanut gardens from the operation of Section 5 (2) of Verumpattamdars Act

Mr. President: Now the House will resume the discussion on Mr. Peter's Resolution.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I beg to move the following amendment to resolution No. 1 discussed in this Council. The first amendment effects only a verbal change. The amendment reads thus: "ബില്ലിൽ" എന്നതിനു പകരം "നിയമത്തിൽ" എന്നു ചേർക്കുക (പ്രമേയത്തിന്റെ ഒന്നാംവരിയിൽ).

The second amendment is as follows:

ഇന്നുള്ള നിശ്ചിതപാട്ടം എന്നും തന്നുകൊള്ളാമെന്നു് സമ്മതിക്കുന്ന കുടിയാനവനെ ടി ബില്ലിന്റെ പരിധിയിൽനിന്നു് ഒഴിവാക്കുന്നു എന്നതിനു പകരം താഴെ പറയുന്നതു് ചേർക്കുക.—

"ടി നിയമം ൪-൦വകുപ്പു് ൧ ൧൯൯ ചിങ്ങം ൧-൦നു-വരെ പ്രാബല്യത്തിൽ വരുന്നതല്ലെന്നുള്ള"

When this amendment is incorported in the main resolution it will read thus:

"വെറുമ്പാട്ടക്കുടിയാൻ സ്ഥിരാവകാശനിയമത്തിൽ അതാതുകാലത്തെ ഉല്പന്ന വിലയനുരിച്ചു് പാട്ടം വസൂൽചെയ്യുന്ന സമ്പ്രദായത്തിൽനിന്നു് പ്രത്യേകാൽ തെങ്ങിൻതോപ്പുകാരുടെ കായ്ത്തിൽ ടി നിയമം ൪-൦വകുപ്പു് ൧ ൧൯൯ ചിങ്ങം ൧-൦നു-വരെ പ്രാബല്യത്തിൽ വരുന്നതല്ലെന്നുള്ള ഒരു വിളംബരം ഉടനെ പ്രസിദ്ധപ്പെടുത്തണമെന്നു് ഈ സഭ ബഹുമാനപ്പെട്ട ഗവർമ്മെണ്ടിനോടു് ശുപാർശ ചെയ്യുകൊള്ളുന്നു."

Now, Sir, before I go to the resolution, I have to describe the provisions of section 5 of the Cochin Verumpattamdars Act. In the original Bill as introduced there was no provision like sub-section (2) of section 5. In the Bill as reported upon by the Select Committee also there was no such provision. Now section 5 as it stands provides for payment of pattam for cocoanut gardens on a graduated scale, that is according to the price of cocoanuts prevailing on the date on which the pattam is due. It goes to that. Whatever may be the pattam fixed in the pattamchit,

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2. *Amendment to section 5.*—In section 5 of the Cochin Tobacco Act, VII of 1084—

(*a*) the word "and" occurring at the end of clause (*d*) shall be deleted;

(*b*) the word "and" shall be added at the end of clause (*e*); and

(*c*) after clause (*e*), the following clause shall be added. —

"(*f*) the forfeiture, notwithstanding provisions to the contrary contained in the Cochin Contract Act, XXIII of 1112, or in any other law, of the whole or any portion of the kists deposited by persons who purchase the right to sell tobacco, in addition to the damages recoverable by Government on account of the breach of the conditions of sale laid down by the Diwan from time to time".

Statement of Objects and Reasons

There is no provision in the Cochin Tobacco Act, VII of 1084, authorising the forfeiture of the kists deposited by persons who have purchased the right to sell tobacco when they fail to carry out the terms of the contract or commit a breach of the conditions of sale. For the effective and efficient working of the system of sale by auction it is necessary to take power in this behalf. Hence the Bill.

APPENDIX IV

THE COCHIN EMPLOYMENT OF CHILDREN BILL

Preamble.—Whereas it is expedient to regulate the admission of children to certain industrial employments; It is hereby enacted as follows.—

1. *Short title extent and commencement.*—(1) This Act may be called the Cochin Employment of Children Act, of 11 .

(2) It extends to the whole of Cochin State.

(3) It shall come into force at once.

2. *Definitions.*—In this Act—

(*a*) "occupier" of a workshop means the person who has ultimate control over the affairs of the workshop;

(*b*) "prescribed" means prescribed by rules made under this Act;

(*c*) "workshop" means any premises (including the precincts thereof) wherein any industrial process is carried on, but does not include any premises to which the provisions of section 50 of the Cochin Factories Act, II of 1113, for the time being apply.

3. *Prohibition of employment of children in certain occupations.*—(1) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation connected with the transport of passengers, goods or mails by railway.

(2) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation involving the handling of goods within the limits of any port to which for the time being any of the provisions of the Cochin Ports Act, VI of 1113, are applicable.

(3) No child who has not completed his twelfth year shall be employed, or permitted to work, in any workshop wherein any of the processes set forth in the Schedule is carried on:

Provided that nothing in this sub-section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour or to any school established by, or receiving assistance or recognition from, Government.

4. *Power to amend the Schedule.*—Government, after giving, by notification in the Cochin Government Gazette, not less than three months notice of their intention so to do, may, by like notification, add any description of process to the Schedule, and thereupon the Schedule shall have force in the State as if it has been enacted accordingly.

5. *Notice to Inspector before carrying on work in certain processes.*—Before work in any of the processes set forth in the Schedule is carried on in any workshop after such date as may be notified by Government in this behalf, the occupier shall send to the Inspector, within whose local limits the workshop is situated, a written notice containing.—

(*a*) the name and situation of the workshop,

(*b*) the name of the person in actual management of the workshop,

(*c*) the address to which communications relating to the workshop should be sent, and

(*d*) the nature of the processes to be carried on in the workshop.

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6. *Disputes as to age.*—If any question arises between an Inspector and an employer as to whether any child has or has not completed his twelfth or fifteenth year, as the case may be, the question shall, in the absence of a certificate as to the age of such child, granted by a prescribed medical authority, be referred by the Inspector for decision to the prescribed medical authority.

7. *Penalty.*—Whoever employs any child or permits any child to work in contravention of the provisions of section 3 or fails to give notice as required by section 5 shall be punishable with fine which may extend to five hundred rupees.

8. *Procedure relating to offences.*—(1) No prosecution under this Act shall be instituted except by or with the previous sanction of an Inspector appointed under section 9.

(2) Every certificate as to the age of a child which has been granted by a prescribed medical authority shall, for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.

(3) No Court inferior to that of a Magistrate of the first class shall try any offence under this Act.

9. *Appointment of Inspectors.*—Government may appoint persons to be Inspectors for the purpose of securing compliance with the provisions of this Act, and any Inspector so appointed shall be deemed to be a public servant within the meaning of the Cochin Penal Code.

10. *Power to make rules.*—(1) Government may, by notification in the Cochin Government Gazette, and subject to the condition of previous publication make rules for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may.—

(*a*) regulate the procedure of Inspectors appointed under section 9, and

(*b*) make provision for the grant of certificates of age in respect of young persons in employment or seeking employment, the medical authorities which may issue such certificates, the form of such certificate, the charges which may be made therefor, and the manner in which such certificates may be issued:

Provided that no charge shall be made for the issue of any such certificate if the application is accompanied by evidence of age deemed satisfactory by the authority concerned.

11. *Amendment of section 6, Act VI of 1113.*—Sub-section (2) of section 6 of the Cochin Ports Act, VI of 1113, and the words, brackets, figure and letter "and sub-section (2)" in sub-section (3) of the said section shall be omitted.

THE SCHEDULE

(See sections 3, 4 and 5)

List of Processes

1. Bidi-making.
2. Carpet-weaving.
3. Cement manufacture, including bagging of cement.
4. Cloth-printing, dyeing and weaving.
5. Manufacture of matches, explosives and fire-works.
6. Mica-cutting and splitting.
7. Shellac manufacture.
8. Soap manufacture.
9. Tanning.
10. Wool cleaning.

Statement of Objects and Reasons

The Law regarding the employment of children is contained in the Factories Act and in section 6 (2) of the Cochin Ports Act. These provisions only lay down that children below the age of 12 shall not be employed in factories or in the carriage and handling of goods in the Port Area. These provisions do not extend to workshops which are not factories, nor do they apply to the carriage and handling of goods outside the Port Area. Further the prohibition of the employment of children is restricted to children under the age of twelve. It is deemed necessary to prohibit children under the age of fifteen from being employed in any occupation connected with transport of goods and passengers and to prohibit the employment of children below the age of twelve in workshops wherein processes endangering the health of the children are carried on. Hence the Bill.

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